

Richard D. McCune, State Bar No. 132124
rdm@mccunewright.com
David C. Wright, State Bar No. 177468
dcw@mccunewright.com
Jae (Eddie) K. Kim, State Bar No. 236805
jkk@mccunewright.com
McCUNE WRIGHT LLP
2068 Orange Tree Lane, Suite 216
Redlands, California 92374
Telephone: (909) 557-1250
Facsimile: (909) 557-1275

Mitchell M. Breit (*pro hac vice*)
mbreit@hanlyconroy.com
Andrea Bierstein*
abierstein@hanlyconroy.com
Jayne Conroy*
jconroy@hanlyconroy.com
HANLY CONROY BIERSTEIN
SHERIDAN FISHER & HAYES LLP
112 Madison Avenue
New York, New York 10016-7416
Telephone: (212) 784-6400
Facsimile: (212) 213-5949

*Attorneys for Plaintiffs Charles P. Haggarty,
Gina M. Haggarty and all other similarly situated*

Derek Y. Brandt (*pro hac vice*)
dbrandt@simmonsfirm.com
Anna M. Kohut (*pro hac vice*)
akohut@simmonsfirm.com
SIMMONS BROWDER GIANARIS
ANGELIDES & BARNERD LLC
One Court Street
Alton, Illinois 62002
Telephone: (618) 259-2222
Facsimile: (618) 259-2251

*Application for admission *pro hac vice* to
be submitted

CHARLES P. HAGGARTY and GINA M.
HAGGARTY, on behalf of themselves and
all others similarly situated

Plaintiffs.

V.

WELLS FARGO BANK, N.A.,
Defendants

Defendants

Case No.: 3:10-cv-02416-CRB

**JOINT STIPULATION AND [PROPOSED] ORDER
CONCERNING CHANGES TO BRIEFING
SCHEDULE AND PAGE LIMIT FOR PLAINTIFFS'
REPLY IN SUPPORT OF AMENDED MOTION FOR
CLASS CERTIFICATION AND CONCERNING
BRIEFING SCHEDULE AND HEARING DATE FOR
DEFENDANT'S *DAUBERT* MOTION**

Judge Assigned: Honorable Charles R. Breyer
First Amended Complaint Filed: 11/5/2010

1 Pursuant to Civil L. R. 7-12, Plaintiffs CHARLES P. HAGGARTY and GINA M. HAGGARTY,
2 and Defendant WELLS FARGO BANK, N.A., having met and conferred through their counsel of
3 record, submit this Joint Stipulation and Proposed Order Concerning Changes to Briefing Schedule and
4 Page Limit for Plaintiffs' Reply in Support of Amended Motion for Class Certification and Concerning
5 Briefing Schedule and Hearing Date for any *Daubert* Motion to be filed by Defendant in relation to class
6 certification.

7 RECITAL

8 WHEREAS, the following dates are currently scheduled in this matter:

9 1. Trial Date December 3, 2012
10 2. Pre-Trial Conference November 27, 2012
11 3. Hearing on Motion for Class Certification September 28, 2012
12 4. Fact Discovery Cutoff: August 22, 2012
13 6. Initial Expert Disclosures: September 14, 2012
14 7. Rebuttal Expert Disclosures: September 28, 2012
15 8. Expert Discovery Cutoff: October 12, 2012

17 WHEREAS, Plaintiffs were allowed 30 pages for their Amended Motion for Class Certification
18 and used 21 pages;

19 WHEREAS, Defendant filed an expert declaration from Dr. Robert Edelstein in connection with
20 its opposition to Plaintiffs' motion for class certification. Defendant has agreed to make Dr. Edelstein
21 available for deposition, but could not arrange the deposition within the current schedule;

22 WHEREAS, fact discovery closes on August 22, 2012, depositions of several Defendant
23 employees are scheduled between the scheduled reply date and August 22, 2012, and Plaintiffs contend
24 that these witnesses may provide certain information relevant to their reply;

25 WHEREAS, the parties are currently engaged in discovery and have agreed that it is in the
26 parties' best interests and the interests of judicial economy to extend the briefing schedule deadline and
27 page limit for Plaintiffs' Reply in Support of Amended Motion for Class Certification and to establish
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1 the briefing schedule and hearing date for Defendant's anticipated *Daubert* Motion relating to class
2 certification in this matter.

3 **STIPULATION**

4 THEREFORE, the Parties stipulate and propose the following dates, deadlines and page limits
5 regarding Plaintiffs' Reply in Support of Amended Motion for Class Certification and *Daubert* Motion
6 to be filed by Defendant. The Parties do not believe this modification of the existing schedule will result
7 in the need to change any of the existing hearing dates, including the motion for class certification and
8 the trial date.

9 **A. Parties' Proposed Changes To Briefing Schedule for Amended Motion for Class**
10 **Certification**

	<u>Present Date</u>	<u>Proposed Date</u>
1. Plaintiffs' Reply:	August 10, 2012	August 24, 2012

11 **B. Parties' Proposed Changes To Page Limit for Amended Motion for Class Certification**

	<u>Present Limit</u>	<u>Proposed Limit</u>
1. Plaintiffs' Reply:	15 Pages	20 Pages

12 **C. The Parties stipulate and propose the following briefing schedule and hearing date**

13 **regarding *Daubert* Motion to be filed by Defendant**

1. Hearing on <i>Daubert</i> Motion:	September 28, 2012 at 10:00 am
a. Defendant's <i>Daubert</i> Motion	August 24, 2012
b. Plaintiffs' Opposition	September 7, 2012
c. Defendant's Reply	September 14, 2012

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
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5 Respectfully submitted,
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8 Dated: August 10, 2012
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11 McCUNE WRIGHT, LLP
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14 By: /s/ Richard D. McCune
15 Richard D. McCune
16 Attorney for Plaintiffs
17 Charles P. Haggarty and Gina M. Haggarty.
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20 Dated: August 10, 2012
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23 REED SMITH, LLP
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26 By: /s/ Jack R. Nelson
27 Jack R. Nelson
28 Attorneys for Defendant
Wells Fargo Bank, N.A.

29 [Plaintiffs' counsel has been given
30 authorization by Defendant's counsel to
31 affix the electronic signature of Jack Nelson]
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED:
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DATE: August 17, 2012

